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8 Attorneys for Plaintiff  
UNITED STATES OF AMERICA

9 UNITED STATES DISTRICT COURT

10 FOR THE CENTRAL DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,

No. CR 15-154-AG

12 Plaintiff,

GOVERNMENT'S SENTENCING POSITION;  
DECLARATION OF SPECIAL AGENT BRAD  
HOWARD

13 v.

14 ANTONIO MARQUETTE,

Date: January 30, 2017

15 Defendant.

Time: 2:30 p.m.

16  
17  
18 The government submits its sentencing position.

19  
20 /s/  
21 January 6, 2017  
22 DATE

23  
24 GREGORY W. STAPLES  
25 Assistant U.S. Attorney  
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1       **I. INTRODUCTION**

2              The government has no objections to the findings in the PSR.

3          The government agrees with Probation's recommendation of 70 months in  
4 custody, restitution in the amount of \$1,551,500, three years of  
5 supervised release, and the other conditions recommended by  
6 Probation.

7       **II. BACKGROUND**

8              Defendant is before the Court after conviction at trial of ten  
9 counts of mail fraud and one count of money laundering. In 2010 and  
10 2011, defendant defrauded victims by offering to eliminate or reduce  
11 their mortgages for a fee. PSR ¶ 9. Defendant charged between  
12 \$36,000 and \$110,000 or more for his services. *Id.* Defendant  
13 guaranteed the mortgages would be eliminated or reduced. PSR ¶ 10.

14             In fact, as victims testified at trial, no one had their  
15 mortgages eliminated or reduced as a result of defendant's efforts.  
16 All but a few lost their homes and had their credit ruined because  
17 defendant had told his victims to stop making their mortgage payments  
18 and to not speak with their lenders. None of the victims recovered  
19 any of the money they paid defendant.

20             In all but a few instances, defendant accepted only cash from  
21 his victims. See Declaration of Brad Howard ¶ 5, attached herein.  
22 The total known loss in this case is \$1,551,500. *Id.* at ¶ 9. The  
23 loss amount is based on statements provided by victims to the case  
24 agent, which was corroborated in a few instances where defendant  
25 accepted payment by check or wire. *Id.* at ¶¶ 6-8. Also, it is the  
26 recollection of government counsel that each victim testified during  
27 trial as to the amount on money each gave to defendant.

28        ////

1       **III. GUIDELINES CALCULATIONS**

2           Probation calculates the Guidelines using section 2S1.1(a)(1)  
3 for money laundering as it results in the highest offense level. PSR  
4 ¶ 20. The calculations pursuant to § 2S1.1(a)(1) are as follows:

5           Base Offense Level:           7           U.S.S.G. § 2B1.1(a)

6           Loss > \$1.5 million:          16           U.S.S.G. § 2B1.1(b)(1)(I)

7           More than 10 victims:         2           U.S.S.G. § 2B1.1(b)(2)(A)(i)

8           Money laundering conv.:      2           U.S.S.G. § 2S1.1(a)(1)

9           Total Off. Level:             27

10          Defendant is in criminal history category I. PSR ¶ 35. The  
11 resulting sentence range is 70 to 87 months. Probation recommends a  
12 sentence of 70 months. For the reasons set forth below the  
13 government agrees with Probation's recommendation.

14       **IV. SECTION 3553 FACTORS**

15          The offense here was serious, measured both in the loss of money  
16 and homes, and the emotional impact on the victims. Several of the  
17 victims did not want to testify as they did not want to revisit a  
18 painful episode in their lives. Howard Dec. ¶ 11. As the victims  
19 testified a trial, they trusted defendant, who consistently refused  
20 to provide the victims any copies of the documents they signed. Some  
21 victims testified that they did not believe a fellow Vietnamese-  
22 American would cheat them. Other victims testified that defendant's  
23 professed religious faith gave them added trust. A sentence of 70  
24 months reflects the serious nature of the offense in terms not only  
25 of the monetary loss, but also lasting emotional impact of the  
26 crimes.

27          A sentence of 70 months is also warranted to promote respect for  
28 the law and provide a just punishment. Defendant took more than \$1.5

1 million in cash from his victims and guaranteed to resolve their  
2 mortgage problems, only to leave them in a much worse position than  
3 they were in before: lost homes, ruined credit, empty savings  
4 accounts, and debts to friends and family members. A 70-month  
5 sentence also protects the public from more crimes by the defendant,  
6 and may deter others from engaging in such conduct.

7 A 70-month sentence is also consistent with that given to  
8 similarly-situated defendants; i.e., defendants who do not accept  
9 responsibility for their conduct, cause more than \$1.5 million in  
10 loss, and are convicted of money laundering as part of their fraud  
11 scheme. The government agrees with Probation's assessment that the  
12 Guideline range adequately accounts for the nature and seriousness of  
13 the offense, and defendant's minimal criminal history.  
14 Recommendation Letter p. 4. The government also agrees there are no  
15 factors in mitigation that would warrant a departure from the  
16 Guidelines range. *Id.*

17 **V. CONCLUSION**

18 For the foregoing reasons, a sentence of 70 months, restitution  
19 of \$1,551,500, and three years of supervised release should be  
20 imposed, along with the other conditions recommended by Probation.

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